THE HON'BLE Ms. JUSTICE G. ROHINI

WRIT PETITION No.17160 OF 2004

ORAL ORDER:

This writ petition is filed seeking a declaration that the action of the respondents 3 to 5 in interfering with the mining operations and transportation of the Mineral Quartz by the petitioner in and over an extent of 112.429 hectares in S.Nos.540 (P) of Mopadu village, Pamur Mandal, Prakasam district as arbitrary and illegal.

Admittedly, the petitioner was granted a mining lease for Mineral Quartz over the land in question for a period of 20 years vide G.O.Ms.No.308, Industries and Commerce (M.II) Department, dated 22.10.2003 subject to the provisions of the Mines and Minerals (Development and Regulation) Act, 1957 and the Mineral Concession Rules, 1960. Pursuant thereto, a registered lease deed was executed and work order dated 15.11.2003 was also issued by the Assistant Director of Mines and Geology, Markapur, permitting the petitioner to commence mining operations. While so, the officials of the Forest Department-respondents 3 to 5 herein, started interfering with the mining operations of the petitioner alleging that the land in question forms part of reserve forest. Aggrieved by the said action, this writ petition is filed.

A counter-affidavit has been filed on behalf of the 4th respondent, stating that the Mandal Revenue Officer, Pamur, erroneously conducted survey and enquiry without observing due formalities under the Board Standing Orders and by mistake of fact, he came to the conclusion, on the basis of the Village Account, that the land in question is a 'Konda *poramboke*'. It is further stated that the land is not at all a Konda *poramboke*, but it is a 'reserve forest' as notified in G.O.Ms.No.1980, Food and Agriculture Department, dated 26.9.1967. It is also stated that since the date of publication of the said notification in the A.P. Gazette, the land in question was declared as reserve forest land and was entrusted with the Principal Conservator of Forests,

Hyderabad and, therefore, the revenue authorities or the Mines and Geology Department, have no power to grant any permission or lease to any person or persons; consequently, the lease granted in favour of the petitioner is not valid under law and inoperative.

Having heard the learned counsel for the petitioner and the learned Government Pleader for Forest, appearing for the respondents and having regard to the stand taken by the 4th respondent that the land in question forms part of the 'reserve forest' as notified under G.O.Ms.No.1980, dated 26.9.1967, which was specifically denied by the petitioner, I am of the opinion that the matter requires to be enquired into by the competent authority after conducting a joint inspection in the presence of the officials of the revenue, forest as well as mines and geology department.

Accordingly, the District Collector, Prakasam is directed to cause an enquiry, as indicated above, after conducting a joint inspection in the presence of the officials of the Departments of Revenue, Forest as well as Mines and Geology and to pass appropriate orders with regard to the nature of the land in question. Such exercise shall be completed as expeditiously as possible, preferably within a period of eight weeks from the date of receipt of a copy of this order. Needless to mention that the petitioner shall also be given an opportunity to be present at the time of joint inspection.

Since as on today a valid lease executed by the respondent No.2 in favour of the petitioner is subsisting, there shall be a further direction to the respondents not to interfere with the mining operations of the petitioner without following due process of law.

The writ petition is accordingly disposed of. No costs.

Registry is directed to communicate a copy of this order to the District Collector, Prakasam.

(G. ROHINI, J.)

12th October, 2006.

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THE HON'BLE Ms. JUSTICE G. ROHINI

WRIT PETITION No.17160 OF 2004

12th October, 2006.

Between:

M/s Shereya Minerals,
T-2, Sterling Hanging Gardens,
14, Vidyodaya 1st Cross Street,
T. Nagar, Chennai, represented by its
Managing Partner –
Mrs. Vemula Padmaja. .. Petitioner

And

The Government of Andhra Pradesh,
represented by its Secretary Industries &
Commerce Department,
Secretariat, Hyderabad and others .. Respondents.